GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Panchayat Raj & Rural Development Department–Allegations against Sri S. Satyam, Divisional Panchayat Officer (Retired) and (12) other Panchayat Raj Staff working in West Godavari district for the irregularities in cropping of un-authorized layouts in the outskirts of Eluru Town loss to Government exchequer – Disciplinary action initiated - Appointment of Enquiry officer and Presenting Officer - Orders – Issued.

PANCHAYAT RAJ & RURAL DEVELOPMENT (VIG.III) DEPARTMENT

G.O.Rt.No.574 **Dated: 05.09.2019**

Read the following:

1. From the GA (V&E) Department, Vigilance Report No. 41, dated: 26.3.2008.
2. G.O.Rt. Nos.809, 810, 812 & 813 PR&RD (Vig.IV) Department, Dated: 30.5.2011.
3. Written statement of defense of Sri R . Ramachandra Muthy, the then Panchayat Secretary,Tangellamudi,West Godavari District, dt.06.07.2011.
4. Written statement of defense of Sri S.Satyam, the then DLPO, Eluru, West Godavari District, dt.30.06.2011.
5. Written statement of defense of Sri T.Venakteswara Rao, the then Panchayat Secretary, Thangellamudi, West Godavari District, dt.14.07.2011.
6. From the Commissioner, PR&RE, Letter No.9133/CPR/E3. VIG/2008, d.6.9.2011 along with.
   (i) Charge Memo.No.9133/CPR&RE/E3.Vig/2008, dt. 5-3-2010 issued against Smt.K.Mahalakshimi, E.O(PR&RD), Pedavegi, West Godavari District.
   (ii) Written statement of defence of Smt.K.Mahalakshimi,E.O(PR&RD), Pedavegi, West Godavari District, dt. 19-4-2010.
   (iii) Charge Memo.No.9133/CPR&RE/E3.Vig/2008, dt. 5-3-2010 issued against Sri M.V.Prasd, E.O(PR&RD), Denduluru.
   (iv) Written Statement of defense of Sri M.Vara Prasad, Extension Officer,(PR&RD), Denduluru , West Godavari District, dt.24.05.2010.
   (v) Charge Memo.No.9133/CPR&RE/E3.Vig/2008, dt. 5-3-2010 issued against Sri D.Raju,, the then Extension Officer(PR&RD), MPP,Eluru, West Godavari District
   (vi) Written Statement of defense of Sri D.Raju,, the then Extension Officer(PR&RD), MPP, Eluru, West Godavari District, dt.26.04.2010.
   (vii) Charge Memo.No.9133/CPR&RE/E3.Vig/2008, dt. 9-12-2010 against Sri P.Venkata Ramana, former P.S., Venkatapuram G.P. West Godavari Dist.
   (viii) Written Statement of defense of Sri P.Venkata Ramana, the then Panchayat Secretary , Venkatapuram GP, West Godavari District, dt.04.01.2011.
   (ix) Charge Memo.No.9133/CPR&RE/E3.Vig/2008, dt. 9-12-2010 against Sri V.Shyam Sunder, Ex.Panchayat Secretary, Venkatapuram G.P, West Godavari District.
   (x) Written Statement of defense of Sri V.Shyam Sundar, the then Panchayat Secretary, Venkatapuram, West Godavari District, dt.05.01.2011.
   (xi) Charge Memo.No.9133/CPR&RE/E3.Vig/2008, dt. 9-12-2010 against Sri N.Tagore, Ex.Panchayat Secretary, Sanivarapupeta G.P. West Godavari District.
   (xii) Written statement of defense of Sri N.Tagore, the then Panchayat Secretary, Sanivarapupeta(V), Eluru Mandal, West Godavari District, dt. 5-1-2011.
7. G.O.Rt.No.1352, PR&RD(Vig.III) Dept., dt.23.08.2013.
8. From the Commissioner, PR&RE, Letter No.9133/CPR/E3. VIG/2008, dt.03-01-2014 along with;
   i) Charge Memo., issued by District Collector, West Godavari in Rc.No.4185/2008/A2(Pts.), dt.6-12-2008 against Sri R.Malleswara Rao, former Panchayat Secretary, Somavarappadu G.P. Dendulur(M), West Godavari District.

ii) Written statement of defence of Sri R.Malleswara Rao, the then Panchayat Secretary, Somavarppadu GP, Dendulur Mandal, West Godavari District, dt.26.12.2008

iii) Charge Memo., issued by District Collector, West Godavari in Rc.No.4185/2008/A2(Pts.), dt.6-12-2008 against Sri K.Yugandhar, Panchayat Secretary, Duggirala G.P. Pedavegi(M), West Godavari District.

iv) Written statement of defence of Sri K.Yugandhar, Panchayat Secretary, Duggirala G.P. Pedavegi(M), West Godavari dt. 22-12-2008.

v) Charge Memo., issued by District Collector, West Godavari in Rc.No.4185/2008/A2(Pts.), dt.6-12-2008 against Sri Bh.N.V.Krishnam Raju, former i/c Panchayat Secretary, Tangillamudi G.P.Eluru(M).

vi) Written statement of defence of Sri Bh.N.V.Krishnam Raju, former i/c Panchayat Secretary, Tangillamudi G.P.Eluru(M), dt. 22-12-2008.

vii) Charge Memo., issued by District Collector, West Godavari in Rc.No.4185/2008/A2(Pts.), dt.6-12-2008 against Sri D.Tata Rao, fomer P.S. Malkapuram G.P. Eluru (M), West Godavari.

viii) Written statement of defence of Sri D.Tata Rao, fomer P.S. Malkapuram G.P. Eluru (M), West Godavari, dt. Nil.

9. G.O.Rt.No.1128,PR&RD(Vig.III) Dept., dt.15.12.2014.
10. G.O.Rt.No.169, PR&RD (Vig.III) Dept., dt.20.02.2018.
11. Orders of Hon'ble APAT in OA No.1658/2016, Dt.26.03.2019 filed by Sri M. Varaprasad, former Extension Officer,(PR&RD),), Denduluru , West Godavari District.

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ORDER:

In the reference 1st read above, the Director General, General Admn. (Vig. & Enf.) Dept. has informed that the officials of Vigilance & Enforcement Dept. during the year 2008 had conducted an enquiry into the irregularities of unauthorized layouts developed without obtaining any approval from the competent authorities which resulted in loss of revenue to Government and local body to a tune of Rs.5,74,78,368/- and among others, have recommended to initiate disciplinary action against the following (13) officials of PR&RD Dept.:-

(1) Sri S.Satyam, the then DLPO, Eluru, West Godavari
(2) Sri T.Venakteswara Rao, the then Panchayat Secretary, Thangellamudi, West Godavari
(3) Sri R . Ramachandra Muthy, the then Panchayat Secretary, Tangellamudi, West Godavari
(4) Sri D. Raju, the then Extension Officer(PR&RD), MPP, Eluru, West Godavari
(5) Sri M. Vara Prasad, Extension Officer,(PR&RD), Denduluru , West Godavari
(6) Smt. K.Mahalakshmi, E.O.(PR&RD), Pedavegi, West Godavari
(7) Sri P.Venkata Ramana, the then Panchayat Secretary, Venkatapuram GP, West Godavari
(8) Sri V.Shyam Sundar, the then Panchayat Secretary, Venkatapuram, West Godavari
(9) Sri N.Tagore, the then Panchayat Secretary
(10) Sri R. Malleswara Rao, the then Panchayat Secretary, Somavarppadu GP, Dendulur Mandal, West Godavari
(11) Sri K. Ugandahar, the then Panchayat Secretary, Duggirala GP, Pedavegi Mandal, West Godavari
(12) Sri Bh.V.Krishnam Raju, the then Panchayat Secretary,Pedavegi GP,Pedavegi Mandal,West Godavari
(13) Sri D.Tata Rao, the then Panchayat Secretary, Malkapuram GP, EluruMandal, West Godavari

2. After careful examination of the above report Government has decided to initiate disciplinary action against the above individuals by the concerned competent authorities i.e. District Collector, Commissioner PR&RE and Government in PR&RD Department.

(contd.)

3. Accordingly, the Government have initiated Articles of Charges against the following individuals vide G.O.Rt. No.810, 812 and 813, Dt.30.5.2011 respectively, vide reference 2nd read above:-

(i) Sri T. Venkateswara Rao, former Pts. Secy. and now DPO.
(ii) Sri S. Satyam, Divisional Panchayat Officer (Retd.)
(iii) Sri R. Sreeramachandra Murthy, Panchayat Secretary (Retd.).

4. The above individual have submitted their written statement of defense vide references 3rd to 5th read above.

5. The Commissioner, PR&RD, A.P. in the reference 6th read above has stated that he has initiated disciplinary action against the following individual as detailed below and they submitted the their written statements of defense as detailed at references 6(i) to (xiii) read above:-

Vide Charge Memo.No. No.9133/CPR&RE/E3.Vig/2008, dt. 5-3-2010
(1) Sri D. Raju, E.O. (PR&RD),
(2) Sri M. Vara Prasad, E.O. PR&RD,
(3) Smt. K. Mahalakshmi, E.O. PR&RD

Vide Charge Memo.No. No.9133/CPR&RE/E3.Vig/2008, dt. 9-12-2010

(1) Sri P. Venkataramana, Ex.Panchayat Secretary,
(2) Sri V. Syamsundar, Ex. Panchayat Secretary and
(3) Sri N. Tagore, Ex. Panchayat Secretary,

6. The Commissioner, PR&RE, while enclosing the copies of Articles of Charges issued against the above said (6) individual and the written statement of defenses submitted by them, has requested the Government to issue necessary order against all the nine (9) Charged Officers (including 3 C.Os. against whom the Govt. had initiated disciplinary action) as per A.P.C.S (CC&A) Rules, 1991.

7. Accordingly, the Government after examination of the written statement of defenses of the nine (9) Charged Officers have decided to entrust the case to Commissioner of Inquiries (CoI) for conducting regular Inquiry into the charges framed against all the (9) Charged Officers. Accordingly, in reference 7th read above, orders were issued appointing Sri Prem Chand, IAS (Retd.), Member, Commission of Inquires as Inquiring Authority to inquire into the charges framed against all the nine (9) Accused officers. However, in the said orders, while appointing the Inquiring Authority, it was only mentioned that **"Sri Prem Chand, IAS (Retd.) as Inquiring Authority to conduct Inquiry into the charges framed against Sri S. Satyam, Dl.P.O. (Retd.) and other Panchayat Raj Staff working in West Godavari District".** The details of the names of remaining (8) C.Os. (including 6 C.Os. against whom the CPR&RD has initiated disciplinary action) were not specifically mentioned except quoting the letter dt.6.9.2011 of Commissioner, PR&RE.

8. Subsequently, the Commissioner vide his letter dt.3.1.2014 in the reference 8th read above, has stated that the District Collector, West Godavari had issued Articles of Charges vide Proceedings No.4185/2008-A2(Pts.), Dt.06.12.2008 against the four (4) Accused officers as detailed below:-

(1) Sri R.Malleswara Rao, the then Panchayat Secretary, Somavarppadu G.P., Dendulur Mandal, West Godavari District
(2) Sri K. Ugandahar, the then Panchayat Secretary, Duggirala G.P., Pedavegi Mandal, West Godavari District
(3) Sri Bh.V.Krishnam Raju, the then Panchayat Secretary, Pedavegi GP, Pedavegi Mandal,West Godavari District, and
(4) Sri D.Tata Rao, the then Panchayat Secretary, Malkapuram GP, Eluru Mandal, West Godavari District.

While forwarding the copies of Charge memos, Written Statement of defences submitted by the above four (4) A.Os. vide references 8 (i) to (viii) read above has requested the Government for further orders. Accordingly, the Government in the reference 9th read above, issued orders entrusting the disciplinary case of the above

(p.t.o)

four (4) C.Os. to Sri Prem Chand, IAS (Retd.), Member, CoI as Inquiring Authority, on par with the nine (9) A.Os. whose case were earlier entrusted for Inquiry vide G.O.Rt. No.1352, PR&RD (Vig.IV) Dept., Dt.23.08.2013.

9. Further vide reference 10th read above, the case was reassigned to Sri P.K. Sarnagi, IFS, Member, Commissioner of Inquires to conduct Inquiry into the charges framed against the above thirteen (13) charged Officers.

10. It was brought to the notice of the Government that on the notice issued by the Inquiring Authority in Commissioner of Inquiries dt.10.03.2016 to attend for the inquiry, one Accused Officer Sri M. Vara Prasad, Dl.P.O. has filed O.A. No.1658/2016 challenging the Charge Memo dt.5.3.2010 and enquiry proceedings of inquiring authority dt.10.3.2016. The Hon'ble A.P. Administrative Tribunal in its orders dt.6.3.2019 vide reference 11th read above, have observed the following:-

> "*No G.O. is produced to show that in the enquiry relating to unauthorized layouts developed in the outskirts of Eluru Town in which there was detection of loss of revenue to the extent of Rs.5,74,78,368/- occurred to Panchayats and Government, there is inclusion of name of the applicant herein as delinquent, much less in G.O.Rt. No.1352 being issued appointing Inquiry Officer against the inquiry relating to the applicant. Therefore, the enquiry officer by name Sri Prem Chand, cannot issue notice for presence of the applicant before him for conducting enquiry on this issue…*
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> *……. In the result, the enquiry proceedings in Notice No.328/COI-P/2013, Dt.10.3.2016 issued by the 1st respondent / Sri Prem Chand, IAS (retd.), is not liable to be proceeded against the applicant.*

11. Government observed the issue with reference to above orders of Hon'ble A.P.Administrative Tribunal and observed that in the orders issued in reference 7th read above, i.e. while entrusting the disciplinary case of nine (9) Charged Officers mentioned at paras 3 and 5 above to the Commissioner of Inquiries for regular inquiry the full details of all 9 Charged Officers s. viz. details of Charge Memos issued and written statement of defenses submitted by them were not mentioned.

12. Government after careful examination of the matter, have decided to issue revised orders in supersession of the earlier orders issued in the G.O.s 7th, 9th and 10th read above, duly entrusting the disciplinary case in respect of all the thirteen (13) Charged Officers, to the Commissioner of Inquiries for conducting regular inquiry into the charges framed against them, duly mentioning all the details of Charged Officers., Viz. Charge Memo No. date of receipt of written statement of defense etc. in the references.

13. Accordingly, the Government in in supersession of the orders issued in the G.Os. 7th, 9th and 10th read above, and under Rule 20 (2) of A.P.C.S.(CC&A) Rules, 1991, hereby appoint Sri R.P. Sisodia, IAS, Member, Commissioner of Inquires (FAC) as Inquiring Authority to inquire into the Charges framed against the all the following (13) Charged Officers:-

(1) Sri Sri S.Satyam, the then DLPO, Eluru,West Godavari District.
(2) Sri T.Venakteswara Rao, the then Panchayat Secretary, Thangellamudi, West Godavari District
(3) Sri R . Ramachandra Muthy, the then Panchayat Secretary, Tangellamudi, West Godavari District
(4) Sri D.Raju,, the then Extension Officer(PR&RD), MPP, Eluru, West Godavari District
(5) Sri M.Vara Prasad, Extension Officer,(PR&RD), Denduluru , West Godavari District
(6) Smt.K.Mahalakshmi, E.O.(PR&RD), Pedavegi, West Godavari District
(7) Sri P.Venkata Ramana, the then Panchayat Secretary , Venkatapuram GP, West Godavari District
(8) Sri V.Shyam Sundar, the then Panchayat Secretary, Venkatapuram (V), Eluru (M), West Godavari District

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(9) Sri N.Tagore, the then Panchayat Secretary, Sanivarapupeta (V), Eluru (M)
(10) Sri R.Malleswara Rao, the then Panchayat Secretary,Sanivarapupeta (V),Eluru Mandal, West Godavari District
(11) Sri K.Ugandahar,, the then Panchayat Secretary,Duggirala GP,Pedavegi Mandal,West Godavari District
(12) Sri Bh.V.Krishnam Raju, the then Panchayat Secretary,Pedavegi GP,Pedavegi Mandal,West Godavari District,
(13) Sri D.Tata Rao, the then Panchayat Secretary,Malkapuram GP,EluruMandal,West Godavari District

14. Government also hereby appoint Sri A.S.R. Krishna Rao, Sr. Advocate and formerly Public Prosecutor (CID), as Presenting Officer, to present the case before the Inquiring Authority, on behalf of the Disciplinary Authority under Rule 20 (5) (C) of A.P. C.S (CC&A) Rules, 1991.

15. The Presenting Officer, shall acquaint himself with the facts of the case and present the case before the Inquiry Authority effectively. He is also permitted to furnish the records required during the enquiry by the Inquiry Authority keeping in view of their necessity in the enquiry without referring the matter to the Government.

16. The Inquiry Authority is requested to conduct Inquiry strictly in terms of Rule 20 of Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 and submit his report as required under sub-rule 18(ii) of the above said Rule. The copies of charge memos issued to the delinquent officers and Written statement of defense submitted by the delinquent officers are herewith furnished to the Inquiry Officer as required under Rule 20 (7) of Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

GOPAL KRISHNA DWIVEDI
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri R.P.Sisodia, IAS, Member, Commission of Inquires(FAC),
General Administration Department (W.E).
Sri A.S.R. Krishna Rao, Senior Advocate and formerly Public
Prosecutor (CID), Presenting Officer, Plot.No. 49, Flat No. 101,
Defense Colony, Vineyarad Classic, Sainikpuri, Secunderabad.

Copy to:

The individuals **through** the Commissioner, Panchayat Raj & Rural
Development, Tadepalli, Guntur District.
The Secretary to Vigilance Commissioner, Andhra Pradesh
Vigilance Commission, A.P., Velagapudi.
The General Administration (V&E) Department, PN Bus Station,
Vijayawada.
Sf/Sc.

//FORWARDED::BY ORDER//

SECTION OFFICER

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